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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

Vol. 15

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No. 09

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WEEK IN REVIEW

HOUSE

During the past week, the House devoted its attention to the budget for the upcoming fiscal year. The House amended and sent to the Senate H.4700, the General Appropriation Bill for Fiscal Year 1998-99. After revenue enhancements and adjustments, including a \$52.4 million reduction in available revenue resulting from the decision to eliminate consideration of expected video poker revenue, the total available recurring revenue for 1998-99 is \$257 million. The following figures do not include appropriations from the Capital Reserve Fund or Fiscal Year 1997-98 projected surplus funds, which are addressed in separate legislation below.

Highlights of the House recommendations for appropriating those funds include, but are not limited to:

STATEWIDE APPROPRIATIONS:

State Health Insurance Rate Increase	\$21.0 million
State Employee 2% Pay Increase- (Effective 10/1/98)	23.5 million
Property Tax Relief-Annualization and Growth	20.6 million
General Reserve Fund	7.2 million
Capital Reserve Fund	4.8 million
Debt Service	2.5 million
Property Tax Relief-Reduced Manufacturing Depreciation (2nd of 3 year phase-in)	10.9 million
Homestead Exemption Projected Growth	1.4 million

The House appropriated \$1.5 million to annualize only the 1997-98 state employee pay increases at the Department of Public Safety and the Department of Corrections. Other state agencies must find the remaining \$7.8 million needed for pay increase annualization within their existing budgets.

PUBLIC EDUCATION: New, recurring public education funding in the budget totals \$90.3 million in General Funds and \$25 million in Education Improvement Act funds. Appropriations from these funds include, *but are not limited to*: an increase of \$39 million in funding to cover fringes and the Education Finance Act base student cost of \$1,879 (2.2% inflation) and 786,060 Weighted Pupil Units; \$4 million for 62 school buses; \$14.4 million to phase in the Performance and Accountability Standards for Schools (PASS) initiative; \$17.98 million for final year phase-in for full-day kindergarten (includes \$3.7 million for fringes); \$6.1 million for textbooks; \$1.6 million start-up/operational funding for the year-round Governor's School for the Arts and Humanities; \$4.2 million to help cover costs resulting from the increase in credits required to graduate from high school; \$5.9 million for basic skills-academic assistance (under Act 135 of 1993); \$9 million to keep teachers' salaries above the Southeastern average

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(Southeastern average salary has increased from \$33,547 to \$34,565); \$1 million to fund the 1997 Assisting, Developing, and Evaluating Professional Teaching (ADEPT) legislative initiative; and \$437,900 to fund giving all tenth graders the opportunity to take the Preliminary Scholastic Aptitude Test (PSAT) or the preliminary test for the American College Test.

HIGHER EDUCATION: The \$32.6 million recurring appropriation in higher education includes, but is not limited to \$19 million for the Legislative Incentives for Future Excellence (LIFE) Scholarship initiative, which passed the House earlier this session; \$6 million for performance/formula funding; \$2 million for special schools' annualizations; \$2.5 million for EPSCoR (Experimental Program to Stimulate Competitive Research); and \$900,000 for tuition grants.

HEALTH: The \$24.4 million recurring appropriation in this area includes, but is not limited to \$15.4 million to annualize the current year's funding for Health and Human Services; \$4 million for nursing home rate adjustment; \$1.1 million for rural health clinic growth; \$1.6 million for supplemental Medicare insurance premium increase; and \$919,000 for Medicaid match rate change.

ECONOMIC DEVELOPMENT: Recurring appropriations total \$2.5 million, including \$1.5 million to Clemson Public Service Authority; \$500,000 to the Department of Commerce for employee incentives and \$500,000 to the Department of Commerce for advertising.

CRIMINAL JUSTICE: Recurring appropriations total \$13.8 million, including but not limited to \$2.4 million to the Judicial Department for annualization of judges and staff, annualization of tiered judges' salaries, judges' expense allowance, judicial commitment, and court appointed funding; \$158,000 to SLED for forensic lab equipment; \$255,868 to the Attorney General's Office for Medicaid fraud control, capital litigation, and prevention of violence against women; \$500,000 to the Prosecution Coordination Commission for Judicial Circuit state support; \$2.5 million to the Department of Corrections for operating funds and for the substance abuse facility at Lee; \$2.6 million to the Department of Probation, Parole and Pardon Services for annualizations and restitution collection; \$5.2 million to the Department of Juvenile Justice for annualization of 1997-98 funding.

TRANSPORTATION: No new funding recommended.

LEGISLATIVE/EXECUTIVE: After factoring in the \$1 million in recommended legislative/executive budget reductions, the recurring funds appropriated in this area result in new funding of slightly over \$1 million. Recommendations for new funding include \$530,622 to the Adjutant General's Office for State match for FEMA funds; \$1.5 million to the State Budget and Control Board for Capitol Complex rent; and \$37,482 to the State Ethics Commission for one investigator. Budget cuts include \$300,000 reduction to Legislative Printing; \$50,000 reduction to Administrative Law Judge base; \$50,000 reduction in Total Quality Management Funds under the Budget and Control Board; and \$400,000 base reduction to the Department of Revenue.

Major provisos in the 1998-99 appropriations bill include, but are not limited to: A ban of video poker (included in both Part I and Part II - also passed the House as separate legislation); removal of the Palmetto Unified School District 1 of the SC Department of Corrections from

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eligibility for funding under the Education Finance Act (although it would still be eligible for adult education funding through the SC Department of Education); the LIFE Scholarship initiative (which has already passed the House as a separate bill); an extension of the steps in the State Minimum Salary Schedule for teachers, from seventeen to twenty years by one-year increments (each additional year will be increased by one percent over the previous year); and the Performance and Accountability Standards for Schools (PASS) initiative, which has already passed the House as a separate bill.

The House approved several amendments to H.4700, which include, but are not limited to: an amendment to provide that no state funds shall be used to pay for an abortion either directly or indirectly. No state funds shall be expended, directly or indirectly, to any institution, agency, or organization that provides, performs, or promotes abortion. An exception is provided where an abortion is necessary to save the life of the mother.

The House amended the bill so as to provide that the Employment Security Commission shall assist those who lose their jobs in video gaming establishments to find new employment.

The House amended the bill so as to provide that tuition and fees at state supported institutions of higher education shall not be increased more than the previous year's Higher Education Price Index. If an institution's tuition and fees are below the southeastern average, the restriction does not apply.

The House amended the bill so as to provide that no agency head shall receive a salary increase in excess of two percent beginning October 1 of this fiscal year.

The House amended the bill so as to authorize the Budget and Control Board to contract by means of requests for proposals for the workers' compensation insurance requirements of state agencies and institutions. Such contracts must be awarded to the lowest bidder and bidding must be consistent with the SC Consolidated Procurement Code.

The House amended the bill so provide that a full-time state employee who runs for a statewide elective office, a seat in the General Assembly, or a legislatively-elected position with compensation must be placed in an unpaid status during the term of his candidacy.

The House amended the bill so as to dissolve the State Reorganization Commission. The assets and employees of the Commission are evenly divided between the House of Representatives and the Senate.

The House amended the bill so as to preclude the use of state funds for providing inmates with access to cable, satellite, or other multi-channel television.

The House amended the bill so as to provide that five dollars of every fine for exceeding the speed limit by over fifteen miles per hour must be transferred to the Department of Public Safety to be used for hiring and training troopers and for purchasing equipment and patrol vehicles.

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The House amended the bill to allow local school boards to waive age requirements for public school attendance in situations where testing indicates that an underage child is prepared to enter first grade. The cost of such testing must be borne by those seeking the waiver.

The House amended the bill so as to provide that state agencies shall not utilize electronic answering devices such as voice mail during standard business hours.

The House also amended and read for the second time H.4701, the Supplemental Appropriations Bill for 1998-99, and H.4702, a joint resolution appropriating monies from the Capital Reserve Fund for fiscal year 1997-98.

Highlights of the \$66.1 million Supplemental Appropriations Bill, H.4701, include (but are not limited to): \$1 million to the State Department of Education for textbooks; \$5 million for education technology (telecommunication lines); \$9.4 million to the Property Tax Relief Trust Fund; \$21.8 million to maintain the Fiscal Year 1997-98 funding level for the Local Government Fund; \$10.9 million to the Local Government Fund to cover growth; \$5.7 million to the Department of Health and Human Services for Medicaid growth; \$5.5 million to the Department of Social Services for emotionally disturbed children; and \$2 million to the Department of Commerce to help fund the Spartanburg Renaissance Downtown Development Project (the bill provides that these funds are to be matched 2:1). The bill also provides that, effective July 1, 1998, the Advisory Coordinating Council for Economic Development (the Council) must establish the "Downtown Redevelopment Program" for the purpose of making grants for revitalizing and enhancing downtown areas through partnerships of local government and private investors. The bill provides that the Council must establish program guidelines, regulations, and criteria by which grants must be evaluated, including a specific requirement for matching funds and a requirement for completion of an economic impact before an award is made.

H.4702 appropriates \$86.9 million from the Capital Reserve Fund for Fiscal Year 1997-98. These appropriations include, but are not limited to: \$25 million for higher education formula funding; \$10.8 million to the State Department of Education for textbooks; \$5.7 million to Horry-Georgetown Tech for library and student services; \$4 million to Clemson PSA for the Agriculture and Life Sciences Biotechnology Complex; \$3 million to Clemson for Littlejohn Coliseum; \$3 million to the University of Charleston for the Health and Physical Education Complex; \$2.5 million to the University of South Carolina for the Arena; \$3.5 million to the University of South Carolina for the School of Public Health; \$2 million to DHEC for Horry Beach Renourishment; and \$2 million to PRT for the Columbia Conference Center.

The House also sent to the Senate H.3842, which extends the provisions of Truth in Sentencing to all crimes and establishes advisory sentencing guidelines for crimes with maximum penalties of one year or more.

SENATE

The Senate gave third reading to S.847, which provides that the fees collected from special retail beer and wine permits and the temporary permits for Sunday liquor sales may be used for affordable housing initiatives. The Senate also approved the following bills and sent them to the House of Representatives: S.979, concerning reporting requirements for medical personnel who treat gunshot wounds; S.986, providing that staff of county boards of registration must take a training course; and S.1007, which would enact the Drug-Induced Crime Prevention and Punishment Act of 1998 (for a more complete summary of this bills, see Bills Introduced in the House in this update).

The Senate also passed a concurrent resolution (S.1065) to approve the Charleston Museum as the site for the permanent display and exhibition of the *H.L. Hunley*. On Thursday, the Senate adopted an amendment to S.1031, which concerns the STAR diploma. The amendment states that for the 1997-98 school years only, graduating seniors from high school who have completed 22 units of credit shall be granted a waiver from the new computer science unit or the fourth mathematics unit required for the STAR diploma. Additionally, the amendment states that honors courses shall be included, along with advanced placement and international baccalaureate courses, in those courses where grade point averages are adjusted to reflect greater difficulty. The bill was read a third time and returned to the House of Representatives. The Senate also gave third reading to S.1003, which provides that it is unlawful to hunt, take, or possess migratory game birds without first obtaining a migratory game bird permit.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources and Environmental Affairs Committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet this week.

JUDICIARY

The full Judiciary Committee did not meet this week.

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee did not meet this week.

WAYS AND MEANS

The full Ways and Means Committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE

AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

H.4754 SALE OF LIVE DEER AND DEER PARTS Rep. Witherspoon

Current state law prohibits the sale of live deer or deer parts except for the hide. This bill authorizes the sale of deer parts, except for the venison, white tail antlers (or parts of the antlers), or whitetail deer gametes. Violators are guilty of a misdemeanor and subject to fines from \$100 to \$500 or imprisonment for not more than 30 days.

The bill also provides for a permit which authorizes food service establishments to purchase and offer for sale nonnative farm-raised venison processed through an official establishment certified by the United States Department of Agriculture. There is no cost for the permit. A food service establishment must keep adequate records as to the source of the venison and be open for inspection by the appropriate authorities at reasonable times or whenever workers are present. A wholesale food distributor may also obtain a permit, at no cost, to buy and sell nonnative farm-raised venison to a permitted food establishment. The wholesale permit is subject to the same requirements as the permit for a food service establishment.

H.4757 RECREATION AND COMMERCIAL WATER VESSELS Rep. Barfield

This bill allows the Department of Natural Resources (DNR) to establish temporary and permanent slow speed zones in South Carolina waters by designating the areas with regulatory markers. The bill also gives DNR the authority to temporarily close areas of state waters to recreational and commercial water vessels for ten days if DNR determines that flood conditions make operating such vessels dangerous. The Governor is authorized to extend a temporary closure until flood conditions are no longer dangerous. The closure of these waters does not apply to law enforcement or medical personnel or to persons who own or lease property within the affected area.

H.4759 THE HERITAGE TRUST FUND Rep. J. Smith

The Heritage Trust Program provides for the preservation, and management of unique and outstanding natural or cultural areas in South Carolina. The Heritage Land Trust Fund, administered by the board of the DNR, acquires fee simple or lesser interest in priority areas.

Current state law limits the total amount of real property the fund can acquire to 100,000 acres. This bill states that the 100,000 acre limit does not apply to tracts of land of 30,000 acres or more which have been acquired by the State and which the Budget and Control Board and the Board of DNR both determine should be a part of the Heritage Trust Preserve.

EDUCATION AND PUBLIC WORKS

H.4740 "SC SCHOOL SEXUAL ASSAULT AND HARASSMENT INFORMATION ACT" Rep. Inabinett

This bill requires that each school district board of trustees establish and implement, by the beginning of school year 1998-99, a written campus sexual assault and harassment policy, providing at a minimum for a sexual assault and harassment prevention and awareness program for middle and high schools, and specifying procedures to be followed once incidents are reported. The bill specifies areas that the policy must address, including but not limited to: education programs; possible sanctions against policy violators; procedures a student follows if sexual assault and harassment occur; procedures for district disciplinary action; and notification to students of certain rights, assistance and options to which they are entitled if sexual assault or harassment occurs. The bill requires that each school district distribute to students, faculty, and staff of middle and high schools the written campus sexual assault and harassment policy, and that each school district include on employment applications a notification that a copy of that policy is available upon request. Also, the bill requires that the written policy must be made available to a student who reports being a victim of sexual assault and harassment occurring on campus, and all middle and high school students must be availed of a description of the jurisdiction, procedures, and time deadlines of the district's disciplinary policy and procedures relating to sexual assaults and harassment.

H.4741 DRIVER'S LICENSES FOR PERSONS OVER AGE 65 Rep. Hinson

This bill requires that the Department of Public Safety issue to every qualified applicant 65 years of age or older a driver's license as applied for at no charge.

H.4748 PAYMENT/COLLECTION OF TOLLS Rep. Townsend

This bill adds a section to the *SC Code of Laws* regarding the payment and collection of tolls. The bill provides that if a vehicle drives through a turnpike facility without payment of the required toll, the owner and operator of the vehicle is liable to the Department of Transportation (DOT) to pay the required toll, administrative fees (maximum amounts are specified in the bill), and civil penalty as provided in the bill; and the DOT may enforce the collection of the toll as provided in the bill. The bill specifies procedures and timelines which must be followed by the DOT and by county magistrates in the event of single and multiple toll violations, including provisions for a magistrate to determine that the person or entity charged with liability is liable, and the magistrate's authority to collect the unpaid tolls and administrative fee and forward them to the DOT or its agent. The magistrate may also impose a specified civil penalty, plus court costs and attorney's fees. The bill also makes provisions for

toll violations when the violating vehicle has been reported as stolen, when the violating vehicle was leased to an entity other than the owner, and when the violating vehicle was operated by someone other than the owner. The bill also provides for setting up and for payment of electronic toll collection accounts.

H.4749 QUALIFIED PROFESSIONAL CONSULTANTS Rep. Townsend

This bill provides that the Department of Transportation (DOT) is authorized to procure qualified professional consultant services in specified areas. The bill authorizes the DOT to consider both qualifications and costs in the selection process for procuring these services. The procedural requirements for the procurement process must be determined by the DOT and may include the establishment of reasonable rates, costs, and compensation for consultants.

H.4750 DEPARTMENT OF TRANSPORTATION AUTHORITY Rep. Townsend

This bill adds sections to the *SC Code of Laws* providing authority to the SC Department of Transportation (DOT) to: establish with the State Treasurer special funds out of the DOT's funds for proper accounting purposes; relax design and construction standards for highway projects in the secondary state highway system without incurring liability; expend all cash balances brought forward from a prior year, up to a maximum limit specified in the bill; secure bonds and insurance covering activities of the DOT; provide its employees with equal compensation increases, health insurance benefits, and employee bonuses provided in the state's general appropriations act; establish a schedule of document fees.

H.4766 PAGING DEVICES IN PUBLIC SCHOOLS Rep. Cotty

This bill authorizes the boards of each school district to provide for the disposition of confiscated or forfeited paging devices. The bill provides that the paging device may not be returned to any student or his parent, guardian or custodian sooner than six months after it was confiscated.

JUDICIARY

H.4739 DEFENDANT'S BLOOD TESTS AS EVIDENCE Rep. Simrill

Under the provisions of this bill, tests of the defendant's blood in DUI cases must be accepted into evidence by a court of competent jurisdiction under the following circumstances: (1) where the blood was obtained and tested by appropriate medical personnel due to necessity of transporting the defendant immediately after the accident or incident, (2) if the blood tests were performed in accordance with established hospital protocols, (3) the blood tests were done at the request of a physician for diagnostic purposes, (4) if testimony is offered as to the requirements of the hospital protocol, and (5) if that protocol was followed. In this event, no formal chain of custody is required to be established. However, this new language must not be construed to prevent a criminal defendant from attacking the protocol or method in which the test was performed for purposes of undermining the credibility of the test before a jury.

H.4742 POWERS OF THE FAMILY COURT IN JUVENILE PROCEEDINGS Rep. Hinson

Under current law, the family court has the power to place a child on probation until the child's eighteenth birthday. This bill states that the court may extend a term of probation up to the person's nineteenth birthday and may impose a reasonable monthly probation fee on the person during the probation extension. The bill also requires the Department of Juvenile Justice to report to the General Assembly on the fiscal impact of the probation extensions.

H.4751 CONDEMNATION ACTION Rep. Townsend

This bill revises the interest rate and the interest accrual period on an amount found to be just compensation in a condemnation action. The bill requires a condemnor to pay interest to the condemnee upon an amount found to be just compensation, with the interest rate to be the rate paid for U.S. Treasury Bills with a six-month maturity sold on the date the condemnation notice was filed.

The interest accrues from the time the condemnation notice was filed through the date of verdict or judgment by the court. Interest will not accrue for a period of thirty days following the date of verdict or order of judgment. If the judgment is not paid within the thirty-day period, interest will continue to accrue at the same rate. Interest will not accrue on any sum received by the condemnee for the subject property before the date of judgment.

H.4758 LITTERING Rep. Meacham

Under the provisions of H.4758, if litter contains any article which displays the name of a person in such a manner as to indicate that the article belonged to the person (for example a bill or a letter) , there is a rebuttable presumption that the person has violated the state's littering law. The bill also permits the enforcing agency, with the permission of the court, to publish the names of persons convicted of violating the state's littering law.

H.4760 LIENS IN FAVOR OF THE STATE Rep. J. Smith

This bill states that a lien prior in dignity to all others exists in favor of the state upon royalties, commissions, proceeds of sale, or any other thing of value payable to or accruing to a convicted felon or a person on his behalf, from a literary, cinematic, or another account of the crime for which he was convicted. The lien attaches at the time of the conviction. If the conviction is appealed, the funds must be deposited in the state's general fund until the appeal is resolved. The proceeds of the account must be distributed as follows: 25% must be distributed to the dependents of the convicted felon (if there are no dependents, this portion must be distributed to the Victims' Compensation Fund); 25% to the victim or victims of the crime or to their dependents (if there are no victims or dependents, or if their damages are less than twenty-five percent of the proceeds, this portion, or its remainder, must be distributed to the Victims' Compensation Fund). After those payments have been made, an amount equal to pay all court costs in the prosecution of the convicted felon must be deposited in the state's general fund. Additional costs must be assessed for the computed per capita cost of imprisonment or supervision by the Department of Corrections. The remainder must be deposited in the Victims' Compensation Fund.

The bill also requires the court to place a lien prior in dignity to all others in favor of the state upon a financial settlement payable to or accruing to a convicted person (or person on his behalf) as a result of injury incurred during a violation of a provision of law, or as a result of an attempt to flee apprehension for the offense for which he was convicted. The proceeds of the account must be distributed in the following order: (1) payment of all medical care, treatment, hospitalization, and transportation resulting from the injury; (2) payment to the victims of the crime or to their dependents, to the extent of their damages; (3) payment of all court costs in the prosecution of the convicted felon; (4) payment of the cost of incarceration in a Department of Corrections facility; and (5) the remainder to the injured party.

S.847 AFFORDABLE HOUSING INITIATIVES Sen. Passailaigue

The Alcoholic Beverage Control Act provides that revenues generated from special retail beer and wine permits within a county where a federal military base has closed must be used to support a redevelopment authority. Upon the dissolution of the redevelopment authority, state law requires the fees to be distributed to the city or county where the retailer is located and to be used for specified purposes. This bill states that fees from the dissolved redevelopment authority and the fees collected from temporary permits for Sunday liquor sales may be used for affordable housing initiatives to serve low income households.

H.4765 QUALIFICATIONS OF THE OFFICE OF SHERIFF Rep. Bailey

All sheriffs in this state must have one of the following qualifications: a high school diploma or its recognized equivalent in education training; a two-year associate degree and three years' experience as a certified law enforcement officer; a four-year baccalaureate degree and one year's experience as a certified law enforcement officer; or service as a summary court judge for at least ten years. Under the provisions of this bill, a person who served as a state constable for at least ten consecutive years would also be qualified to serve as a sheriff.

H.4767 CRIME VICTIMS Rep. Young

This skeleton bill concerns the surcharge imposed on a person convicted in general sessions court.

H.4770 WATERCRAFT EQUIPMENT AND OPERATION Rep. Witherspoon

This bill establishes a point system for watercraft violations (for example, a person who improperly displays a registration or title sticker would be assessed 2 points; a person who operates a watercraft while under the influence of alcohol or drugs would be assessed 18 points). A person who accumulates 18 or more points in one year must have his boating and watercraft privileges suspended for 1 year. After the expiration of the period of suspension, the person's record must be cleared and the person starts anew with no points. A person who operates a watercraft while under suspension is guilty of a misdemeanor and, upon conviction, must be fined from \$200 to \$500 or imprisoned not more than 30 days; additionally, his boating privileges must be suspended for an additional 3 years. The points and penalties assessed under this legislation are in addition to and not in lieu of any other civil remedies or criminal penalties which may be assessed

S.979 TREATMENT OF A GUNSHOT WOUND Sen. Martin

This bill provides that any medical services personnel who knowingly treats any person suffering from a gunshot wound or who receives a request for such treatment must report within a reasonable time the existence of the gunshot wound to the sheriff's department. No report is necessary if a law enforcement officer is present with the victim while treatment is being administered. A hospital, clinic, or other health care facility or provider may designate an individual to make the reports provided for in this section. A report must be made as soon as possible, but no later than the time of the victim's release from that facility.

A person required to make a report or who participates in judicial proceedings resulting from the report, acting in good faith, is immune from civil and criminal liability which might otherwise result by reason of these actions. In all such civil and criminal proceedings good faith is rebuttably presumed. The privileged quality of communication between physician and patient and any other professional person and his patient or client is abrogated and does not

constitute grounds for failure to report or the exclusion of evidence resulting from a report made pursuant to this section. A person required to report the existence of a gunshot wound who knowingly fails to do so is guilty of a misdemeanor and, upon conviction, must be fined up to \$500 and/or imprisoned up to 6 months.

S.986 BOARDS OF REGISTRATION Sen. Holland

This bill would require the staff of a county board of registration to complete a training and certification program conducted by the State Election Commission. Furthermore, following initial certification, each board member and staff person designated by the board or commission must take at least one training course each year.

S.1007 DRUG-INDUCED CRIME PREVENTION ACT Sen. Holland

This bill, entitled the Drug-Induced Crime Prevention and Punishment Act of 1998, creates the offense of distributing a controlled substance to an individual with the intent to commit a crime against that individual. The bill also creates the felony offense of trafficking in flunitrazepam. Furthermore, the bill states that a person is guilty of criminal sexual conduct in the first degree if the actor engages in sexual battery and causes the victim, without the victim's consent, to become mentally incapacitated or physically helpless by administering, distributing, dispensing, delivering, or causing to be administered, distributed, dispensed, or delivered a controlled substance or gamma hydroxy butyrate.

LABOR, COMMERCE AND INDUSTRY

H.4755 CHARITABLE OR EMERGENCY PROTECTIVE SHELTERS Rep. Cobb-Hunter

This bill adds residence, whether temporary or not, at a charitable or emergency protective shelter to the list of living arrangements which are not governed by the SC Landlord and Tenant Act.

H.4756 MODULAR BUILDING UNITS Rep. Law

This bill provides that a modular building unit may not be installed on property which has been zoned as "R-1" or "single-family dwelling" by a local government.

H.4772 PRIVATE PERSONNEL PLACEMENT SERVICES Rep. Harrell

This bill eliminates the current restriction which prevents the licensure of a private personnel placement service which conducts its business principally in a private residence. Under the bill, a private personnel placement service which operates in a residence may be granted a license, so long as such licensure is in accordance with any other applicable federal, state, and local laws and zoning ordinances.

WAYS AND MEANS

H.4743 RETIREMENT INCOME Rep. Hinson

This bill deletes the currently-allowed deduction election in computing SC taxable income, for SC taxable income received by a resident individual taxpayer who before or during the applicable taxable year has attained the age of 65. The bill allows an annual deduction of up to

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\$3,000 of retirement income and up to \$10,000 beginning in the taxable year the taxpayer attains age 65. The bill adds a provision to the *SC Code of Laws* allowing a resident individual taxpayer a deduction from SC taxable income received in an amount not to exceed \$45,000, reduced by the retirement income deduction claimed. For eligible married taxpayers filing joint returns, the maximum deduction allowed under the bill is \$45,000 when only one spouse has reached age 65 and \$90,000 when both spouses have reached age 65.

H.4744 TWENTY-FIVE YEAR RETIREMENT Rep. Hinson

This bill reduces from thirty to twenty-five the years of service required to retire at any age without penalty for persons who first become members of the SC Retirement System after June 30, 1998. The bill also requires the State Budget and Control Board to increase employer and employee contributions for persons first becoming members of the SC Retirement System after June 30, 1998, in an amount sufficient to offset the additional actuarial cost of the reduction of required service for retirement.

H.4752 SALES TAX ON MANUFACTURED HOMES Rep. Law

This bill adds a section to the *SC Code of Laws* providing that furnishings and other items that are not fixtures of a manufactured home or a mobile home constitute personal property and must not be included in calculating tax on the home.

H.4769 HOSPITALITY TAX REVENUE Rep. Pinckney

This bill deletes the requirement that \$900,000 in accommodations tax must be collected in a county before police and fire protection, emergency medical services, and emergency preparedness operations may be provided to those facilities for which the hospitality tax revenue must be used.

H.4771 SINE DIE ADJOURNMENT/STATE BUDGET PROCESS Rep. Campsen

This bill provides that after convening of the annual session of the General Assembly on the second Tuesday in January of each year, the General Assembly shall meet in local session only for 30 calendar days in odd-numbered years to develop in committee the biennial state general appropriations act and to consider other legislative matters in committee. Also either or both houses may meet in statewide session during this thirty day period upon a 2/3 vote of that particular body.

The bill requires that the regular annual session of the General Assembly must adjourn *sine die* by 5:00 p.m. on the first Thursday in June in odd-numbered years and by 5:00 p.m. on the first Thursday in May in even-numbered years. Current law provides that the General Assembly must adjourn *sine die* each year by 5:00 p.m. on the first Thursday in June. Also, the bill provides that in any odd-numbered year in which the House of Representatives fails to give third reading to the annual general appropriations bill by March 31, the date of *sine die* adjournment is *extended* by one statewide day for each statewide day after March 31 that the House fails to give the bill third reading. The bill provides that in any odd-numbered year beginning in 1999 in which the biennial general appropriations act is given third reading *before* March 31 by the House, the date of *sine die* adjournment for that year is *shortened* by one statewide day for each statewide day before March 31 that the act is given third reading by the House.

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The bill also requires that, beginning with its 1999 session for the ensuing two fiscal years and in each session every two years after 1999 for the two fiscal years next ensuing, the General Assembly must enact a biennial state general appropriations act in a form it considers appropriate. The bill requires that the Governor and the General Assembly must use a "zero-base" budget process applying the Malcolm Baldrige award criteria standards or its substantial equivalent in preparing of the biennial act beginning in 1999. The bill does not prevent the General Assembly from enacting a supplemental or capital reserve fund appropriations bill in even-numbered years.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (www.lpittr.state.sc.us) and click on the "Quick Find Guide." On the next screen, click on "Legislative Updates." This will list all of the *Legislative Updates* by date. Click on the date you need.

SPECIAL NOTE: A cumulative index to the weekly issues of the *Legislative Update* has been added to the *Legislative Update* page on the Worldwide Web. Bills are listed in numerical order in this index. Each bill number is followed by a list of hypertext links (in chronological order) to every reference to that bill in any issue of the *Legislative Update* during the current session, 1997-98. This is an easy way (just click on the links) to find summaries of bills introduced into the House and to follow the progress of a bill through House committees and on the floors of the House and Senate.